App. F. IX-4

1913

1913.

File No. 25-13

Previous References (begin)

Serial Nos. 1—6

Later References P-39 1856

General and Revenue Secretariat.

A collection

Serial Nos. Six

Manuscript Part B for April 1915

SUBJECT

Amendment of sections 260 of the Code of Criminal Procedure, 1904.

[illegible]

For April 1915.

Judicial and Legislative (Legislation).

No Collection. Serial No 1-6.

Amendment of Section 260 of the Code of Criminal Procedu
1904.

Table of contents

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From the Registrar, Chief Court. No 1615/130 dated 18-10-13.

Suggests the desirability of amending section 260 of the Code of Criminal Procedure so as to provide for trial of offences under Section 453 and 454 of the I.P.C. in a summary manner as in British India.

To the Hon'ble the Resident in Mysore. No 1744 dated 13-6-14.

Forwards a copy of the Bill with the statement of objects and reasons.

From the First Assistant to the Resident. No 4157 dated 20-6-14.

States that there is no prima facie objection to the Bill being placed before the Legislative Council.

To the First Assistant to the Resident. No Pol 674 dated 16-1-15.

Forwards for obtaining the sanction of the Govt. of India the Bill to amend the Code of Criminal Procedure, 1904, as finally passed in Council

From the First Assistant to the Resident. No 989 dated 8-2-15.

Communicates the sanction of the Govt. of India to the Bill.

To the Compiler, Mysore Gazette. No G 3614 dated 24-4-15.

Orders the publication of the Regulation as Regulation No IV of 1915.

FILE HEADING.

Amendment of sec: 260 of the
ode of Criminal Procedure, 1906

The Registrar, Chief Court of

Dated 18/10/13 Received 21/

Enclos. ~~Act~~	Spare Copies.	Serial No

BRIEF ABSTRACT OF LETTER.

gests the desirability of amending
260 of the Code of Criminal Procedu
so as to provide for trial of offences under
s: 453 and 454 of the I.P.C. in a summary manner
in British India.

NOTES AND ORDERS.

Submitted.

The present criminal Pro. code Regn. II of
is based on the Indian Act of 1898.

But in 1903 a Repealing and Amending Act

of the criminal pro. code was amended making offences under secs: ~~456~~ 453 and 454 of the I.P.C. also triable summarily

2) The object of making this amendment is stated in the Bill as follows:- "Offences punishable under sec: 451, 456 and 457 of the I.P.C. were included in the list of offences triable summarily when the code was last revised. It is anomalous that the cognate, though less grave offences under secs: 453 and 454 should not also be so triable

3) Though Ordinance was passed after this ~~amending~~ Repealing & amending Act was passed still no mention of this amendment is made in the file re passing of Regn II of 1904 (the present criminal Pro. code) and thus this amendment was not probably considered then at all. The object

in clause (i) sub-sec: (1) of sec: 260 of the code of Cr. Procedure code. There is also a proposal now under pending consideration for certain for enhancing making petty offences under sec: 6 of the Mines Regn. viz. unlawful possession of mining materials (not being gold quartz, amalgam, specimen gold or bar gold) where the value of the property is less than Rs 50,- triable summarily. (Please see Legis 32-13 linked to this file). The chief Const. are in favour of that proposal.

S.V.S.
(48)
23/12/13

(49) The Chief Courts recommendation may be approved. In fact, offences under sec. 456 + 457 I.P.C. are now which are triable summarily are more serious than offences under sec. 453 + 454 I.P.C. hence there is no objection to the proposal.

b) After the proposal is approved, the necessary amendment of the Code will be drafted

S.P. Rajagopalachari

General and Revenue Secretariat.

Legis File No. 25 of 1913-14

Serial No.

7) I agree to these amendments being made - A.Y. Narimundayya
13/1/14

from 19 D

8) Draft Bill for Submission to Council each
S.P. Rajagopalachari
15/1

Submitted with a draft Bill and Statement of Objects and reasons
S.V.S.
23/1/14

b) Fair Draft of St. of Ob. & Reas
S.P. Rajagopalachari
25/1.

Submitted with a fair draft of the St. of Objects and reasons.
S.V.S.
24/1/14

12) Submd with the Draft of a Bill & Stt. of Objects & Reasons. The bill also includes, subject to approval the proposal discussed in the linked file about the Summary trial of certain classes of offences under Sec. 6 of the Mines Regn, which has been approved by the 1st Ct & the Chief Court. It is considered nec

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 25 of 1913-14

Serial No.

appropriate to ~~make~~ embody this proposal in an amendment of Sec. 5 the Cr. Pro. Code than to amend the Mines Regn itself in the as suggested by the Dy Comr Kolar.

S.P. Rajagopala Aiyar
Sol
24/1

~~Dy Secy~~ Dy

After correction & approval by the 1st Councillor, the draft will be caused to be typed.

Dewan of Mysore
26/1

~~1st Councillor~~ Dy

I have altered the clause about the Mining Regn Offence Please Consult Gsol. Secretary as to whether the Phrase gold in any form, gold quartz or gold amalgam (Compared with the defn of 'Mining Material' in the Regn) expresses fully ~~the~~ all that is intended to be excluded.

G. R. S. 121

1254 6

General and Revenue Secretariat. Legn File No. 25 of 1913-14

Serial No.	
	17) Typed draft is put up and the file submitted as ordered.
	S.V.S. 6/2/14
D. No. J. 33-13 dated 7th Feby 1914 (Mr Legn 32-13) ref Ltr No 1904 & TT 1906 x para 14, page 5	18) Forwarded unofficially to the Secretary to Govt. Geological Department for favour of opinion on the point x raised by the Frist member of Council
	By Order Sd/ Jagannadh for Secy to Govt 6.2.14
No (Geol) 13 dt 7th Feb 1914	
D/ Ludlow - Rejr & returned herewith KG 7/2/14 Subd.	19) I am of opinion that the wording of the clause is too comprehensive and it would include a large number of really petty cases which take up a Magistrate's time. "Gold in any form" would include that contained in tailings, concentrates, precipitates &c and in the sweeping likewise "gold quartz" embraces rock which usually contains immeasurable quantities of gold. If I may venture to say so I do not see any real necessity for the

General and Revenue Secretariat.

Legis File No. 25 of 1913-14

Serial No.

gold on the score of their unimportance or heinousness. It is I consider desirable to stop the illicit traffic as far as possible but if the penalty in case of summary conviction is to be as heavy as in cases of regular trial there is no advantage gained for the extra expenditure of time. If the material is valuable - i.e. more than Rs 50/- the case must be tried regularly and further there is the discretion of the magistrate in them as to whether they are of sufficient importance to warrant regular trial.

The proposal to exclude gold cases from the dist. Magistrate on score of their unimportance but no reason is given as to why they are specially unimportant. It is true that the cases are numerous and that for each detected a very large number escape detection. The remedy for this is increased pena

---

There may be considered that such cases are important because of technical difficulties and on this account I would agree to exclude cases rel

General and Revenue Secretariat.

Legs File No. 25 of 1913-14

Serial No.

As the matter contains question of "unwrought gold".

I would even be prepared to add "gold amalgam" and "sponge gold" but this is the limit to which I would apply any special restriction. For reasons already stated I would most certainly omit "gold in any form" and "gold quartz".

I beg to suggest therefore that in the proposed clause the words between "relating to" and "when" be omitted and either of the following substituted

(1) "unwrought gold" or

(2) "gold amalgam, sponge gold or unwrought gold"

As the general drift with Comptr.

Secy. to Govt, Geological Dept
12. 2. 14
To Camp - Zakkara

Submitted
S.V.S
(48)
17/2/14

Ind. Members

General and Revenue Secretariat.

Serial No.

File No. 25 of 1913-14

25/ Dr. Smeeth's suggestion may be accepted. I have altered the draft. Please circulate for Council. [illegible] amendment

20/2/14

2nd member / Extraordinary member)

26/ [illegible]

26/2

27/ [illegible] 27.2.14

Secretary)

28/ I agree as regards the amendment in respe of offences under Sections 453 and 454 I.P.C.

29/ Is it really necessary to provide for sum mary trial in the case of offences under the Mine Regulation ?

30/ Please bring up at the next meeting of th Council. 12-3-14.

[illegible]

[illegible] Secretary

Secretary to Council for necessary Notification for meeting.

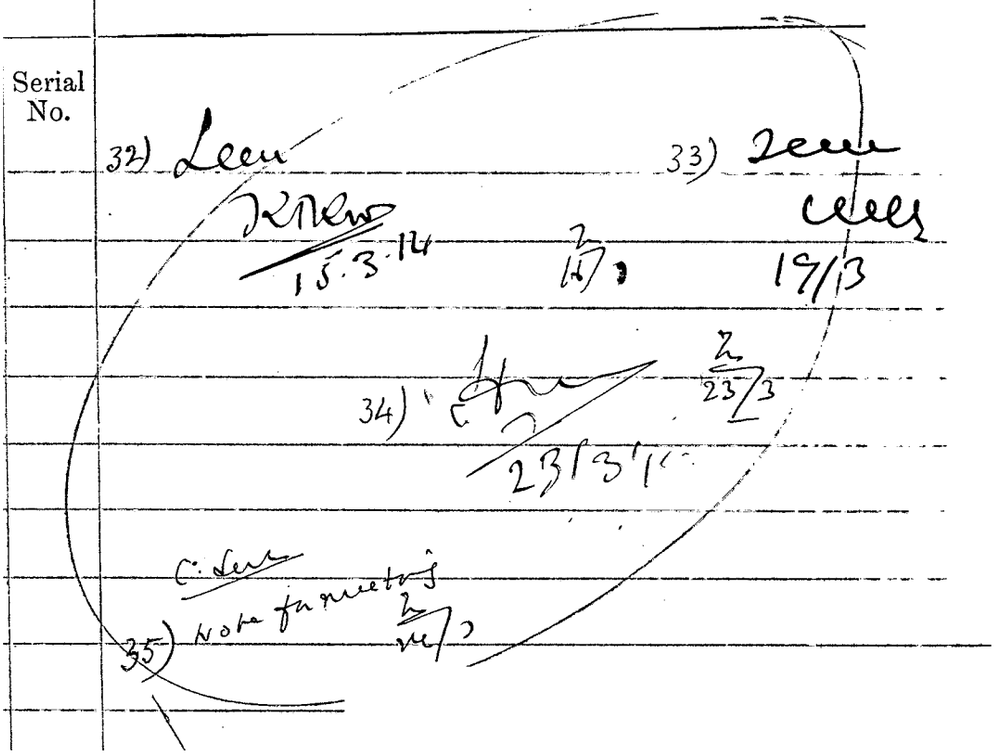
R. S. 12]

General and Revenue Secretariat.

Legis 25 of 1913-14

File No. C. 250 of 191

Serial No.	
32)	
33)	
34)	
35)	



Legis 25 of 1913-14

Extract from the Proceedings of the 319th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 20th April 1914.

SUBJECT. - (Clause 11 of the Schedule).

Draft Bill amending section 260 of ...minal Procedure Code, 1904.

OPINION OF THE COUNCIL.

The amendment of Clause (1) of sub-sectic (1) of section 260 of the Code of Criminal P cedure as proposed in the draft Bill may be proved and the Bill may be introduced into Legislative Council.

The Council are of opinion that the prop Clause (n) may be dropped as no necessit, is out for the summary trial of the offences

1254

[3

R. S. 12]

General and Revenue Secretariat.

Legs File No. 25 of 1913-14

Serial No.	
	D.S.N III
30	A draft Submission Note is put up
	Diwan

Diwan 8/5

Diwan Agha Rao 13/5

Submitted to His Highness.

31) The District Magistrate, Kolar District (throug he Inspector General of Police) suggested the desirability of amending the Code of Criminal Procedure, 1904, so s to make offences under Section 6 of the Mysore Mines egulation, 1906, not relating to unwrought gold or gold malgam, where the value of the mining material does not xceed fifty rupees, triable in a summary way.

32) 2. The Chief Court also suggested the amendment f section 260(1) (i) so as to make offences under sections 453 and 454, Indian Penal Code, triable summarily

3) 3. After a due consideration of the draft Bill repared on the lines of these suggestions, the Council re of opinion that offences under section 453 and 454, ndian Penal Code, may be made triable in a summary anner as in British India, and that the other proposal, viz., that about offences under section 6 of the Mysore Mines Regulation, may be dropped as no necessity is proved to exist for the summary trial of this class of offences. In view of the exceptional character of the Mines Regulation which primarily throws the burden of proving innocence on the accused, a very much stronger case should be made out before the proposal can be ente tained.

34) 4. I therefore solicit the approval of His Highness for referring to the Legislative Council the draft Bill as agreed to by the Council.

M. Visvesvaraya
28th May 1914.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of section 260 of the Code of Criminal Procedure.

F. R. S. 12]

1254-16

General and Revenue Secretariat.

Legis File No. 25 of 1913-16

Serial No.

37) Submitted with a draft D.O. to the Residency.

S.V.S.
(38) VLL
29/5/14

S.P. Rajagopalachari

(Seen) SPR 29/5

39) The draft may be approved.

Draughtsman 1/6

Dewan

39) Approved by Dewan

1/6

40) The D.O. letter to the Hon'ble the Resident has been issued and the draft placed in file.

Draughtsman

Dewan 1876

17.6.14. 41) Hon'ble Legislative Agenda 1876

S.P. Rajagopalachari

D.O.

To the ~~H.H.~~ Resident, No 1744 dt 13th June 1914.

Forwards copy of the bill with a Statement of objects and reasons.

From the F.A. Resident ~~Same Officer~~ no D.O. 4157 dt 20 June 191

States that there is no prima facie objection to the bill being placed before the Legislative Council.

G. R. S. 12]

L. L.

1254 -4140

General and Revenue Secretariat. Legis 25-13-14 File No. of 191

Serial No.

Submitted

Leave to introduce the Bill was granted by the Legis. council at their meeting held on the 29th June 1914. The Bill with the Statement of Objects and reasons has to be published in the Gazette under Rule 31 of the Rules of Business. Subd. with a draft. ~~To the Ld Compiler, Bangalore Gazette.~~

(48) 9/8/1

General and Revenue Secretariat.

Legs File No. 25 of 1913-14

Serial No.

42) Submitted. Leave to introduce the Bill was granted by the Legislative council on 29/6/14. At the meeting held on the 21st Nov: 1914, the Bill was read in council and it was decided that the rules of business may be suspended so as to allow the Bill being ~~read~~ ~~taken~~ immediately taken into consideration and also that it may be taken up and passed at the subsequent meeting of the council. Sanction of the Government of India is required to pass the Bill into law. A draft to the Residency is put up

S.V.S

(48)

R. S. 12]

General and Revenue Secretariat.

Legis File No. 25 of 1913-14

Serial No. 11

Re Prl. 676 dated 16/1/15
to F. A. Resident

Forwards for obtaining the sanction of the Govt. of India the Bill to amend the code of criminal Procedure, 1906, as finally passed in council

No 989 dated 8th Feb: 1915
From the F. A. Resident in Mysore

Communicates the sanction of the Govt of India for subject to the usual reservation of power under Art: 18 the Treaty of 1913

Subd. The Bill has been included in the agenda for the meeting of the Legis. Cl to be held on 10/2/15 for being finally passed

SV
8/2/15 VM (38)

Srinivasa Ry
9-2-15

Subd. The Bill was passed in the Legislative council on 10/2/15. His Highness' approval is required for passing the Bill into law. A copy of the Bill as finally passed is put up with the usual certificate at the bottom for the Dewan's signature after ~~obtaining~~ His Highness' approval for promulgation is obtained.

SV
VM

R. S. 12]

General and Revenue Secretariat. | Legis File No. 25 of 1913-14

Serial No.

Esqrs
14/3 2

~~Last Member)~~

~~Final~~ note approved and signed by ~~First~~ member is put up.

18.3.15 Esqrs 19/3

D.S.N Sub^d

8
2013

Sec^y)
Dewan)

Esqrs
22/3

Final Note by the First Member of Council.

Subject:

Amendment of the Code of Criminal Procedure, 1904.

The Bill to amend the Code of Criminal Procedure, 1904,-- for making offences under sections 453 and 454 of the Indian Penal Code triable in a summary manner, has passed through - the Legislative Council in due course. Its scope and purpo are fully explained in the statement of objects and reasons that accompanied the Bill. The gracious sanction of His -- Highness is required to promulgate it as law.

H Macpherson. 9a

First Member of Council.

Dated 18/3/18

Submitted to His Highness.

I submit herewith a final note by the First Member of Council regarding the Bill to amend the Code of Criminal Procedure for rendering offences under sections 453 and 454 of the Indian Penal Code triable in a summary manner.

2. I solicit His Highness's sanction to the passing of the Bill into law.

M. Vimalaga

16th Apr. 1915.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Bill to amend the Code of Criminal Procedure for rendering offences under sections 453 & 454 of the Indian Penal Code triable in a summary manner.

eneral and Revenue Secretariat. | Legislative File No. 25 of 1913.

Serial No. | 51)
Submitted with a draft order.
B. 22/4/15 [illegible]

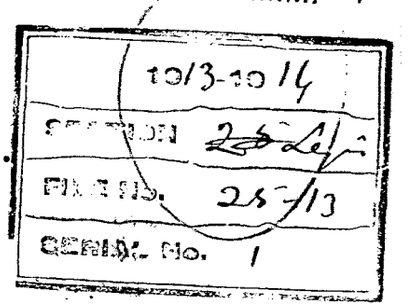
52) Dewan Bahadur V. Krishnaswamy Iyer

To the compiler, with [illegible]
No. 3614 dt. 24-4-15.
Directs that the Regulation to amend the code of Criminal Procedure 1904 which received the assent of H.H. the Maharaja on 19th April shall be published as Regulation IV of 1915 in the [illegible]

B a n g a l o r e

18th October 1913.

DIARY No. J 1254



From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to Government,
General and Revenue Departments.

S i r,

I am directed to suggest the desirability of amending section 260 of the Code of Criminal Procedure (Regulation II of 1904) by inserting the figures 453 and 454 after 451 in clause (i), sub section 1, so as to provide for the trial of offences under sections 453 and 454 of the Indian Penal Code in a summary manner as in British India. The Judges think that this will facilitate the work of the Magistrates in the State.

I have the honour to be,

Sir,

Your most obedient servant,

H. Lea Griffiths

Legis File No. 252/1
Serial No. 2

Diary No. of letter replied to

D. O. No. 1744/En Two

Mysore
13th June 14

No.

General and Revenue Secretariat
( )
191 .

To the Hon'ble the Resident in Mysore

To
My dear sir

I enclose herewith ~~with~~ a copy of a Bill to amend the code of criminal Procedure 1904. The Statement of Objects and reasons accompanying the Bill explains the necessity for the measure.

~~I may add that~~ The Bill will be placed before the Legis. council in due course.

Yours sincerely

Date of issue

Signed by

SUBJECT.

Sd/- 13.6.14 over.

Dewan

To, Col. Sir Hugh Daly K.C.I.E
C.S.I.

A Bill to amend the Code of Criminal Procedure ~~Code~~, 1904.

Whereas it is expedient to amend the Criminal Procedure Code, 1904; His Highness the Maharaja is pleased to enact as follows:

Amendment of clause (i) of sub section (1) of section 260.

In clause (i) of sub section (1) of section 260 of the Regulation, the figures " 453, 454" shall be inserted after the figure " 451 "

Addition of a new clause as clause (n) of sub section (1) of Section 260

2. In sub section (1) of section 260 of the Regulation, the following new clause (n) shall be inserted after clause (m) :-

"(n) Offences under section 6 of the Mysore Mines Regulation, 1906, not relating to gold ~~in any form~~ brought, gold ~~quartz~~ sponge or gold amalgam, where the value of the mining - -

Statement of Objects and Reasons.

Clause 1 of the Bill has been drafted on the recommendation of the Chief Court and it brings the Criminal Procedure Code into conformity with that in force in British India in regard to the summary trial of offences under sections 453 and 454 of the Indian Penal Code. Offences under sections 456 and 457 being already included within the provision, there is no valid reason to exclude these offences which are of a less serious character. As cases that come up for trial under section 6 of the Mysore Mines Regulation frequently happen to be of a petty nature owing to the small value of the material concerned, it is considered expedient to make them also triable by summary procedure. Clause 2 of the Bill therefore provides for the summary trial of cases in which the value of the subject matter of the offence does not exceed Rs50. But offences relating to unlawful possession of ~~gold quartz~~ rough gold, ~~amalgam~~, sponge gold and ~~bar gold~~ alloy gold are excluded from the operation of this section on account of the importance of cases concerning these articles.

THE MYSORE RESIDENCY,

1914 Bangalore, 2[illegible] June 1914

J Lewin dep Jahir 25-1

Private Secretary to the Resident in Mysore

esired to acknowledge the receipt of your

D.O.letter No 1744. dated the 13th June 1914., forwarding

a copy of a Bill to amend the Code of Criminal Procedure,

Office of the Secretary
Mysore Legislative Council

File No.

Serial No.

Diary No. of letter replied to

Notification
No. 13
L.C.

General and Revenue Secretariat

( )

, the 191 .

Date of issue 4th Aug: 1916

Signed by Mr G. Sreenivasa Iyer

Under rule 31 of the Rules ~~of business~~ for the conduct of business of the Mysore Legislative Council the following Bill to amend the code of Criminal Procedure, 1904, is published for general information together with a Statement of Objects and Reasons

By order

Secretary, Mysore Legislative Council.

Hon'ble

SUBJECT

Herewith the accompanying Bill and Statement of Objects and Reasons for publication in Part III of the Gazette in English and Kannada and to supply 100 copies in English and 50 in Kannada to this Office. Proof should be sent to this Office for

G. R. S. 26

Legis File No. 25-
Serial No. 4

Diary No. of letter replied to

Pol No 674 dy 16-1-

General and Revenue Secretariat

( )

, the *191* .

Date of issue 16 - 1 - 18

Signed by

To The F. A. Resident
in Mysore, Bangalore

Sir

I am directed to forwar
herewith two copies of
the Bill for the to amend
the Code of criminal
Procedure, 1904, and to
state as follows.

2 The chief Court
recommended that it was
desirable to bring the
code of criminal Procedure

into conformity with that in force in British India in regard to the summary trial of offences under Sections 453 and 454 of the Indian Penal code.

The Durbar having agreed with the chief court, the Bill was ~~drafted, & was~~ placed before the Legislature council and adopted by them.

3. I am ~~to~~ to request that the sanction of the Government of India may kindly be obtained for passing the Bill into Law

Pol No. 1558 d 8-2-15
DIARY No. J.2.29.

No. 989.

19/2/15
SECTION Pols
FILE No. 25-17
SERIAL No. 5

From

P. B. WARBURTON, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

The Dewan of Mysore.

Dated Bangalore, 8th February 1915.

SIR,

I am directed to acknowledge the receipt of Mr. T.C.L.S. Narasinga Rao's letter No.674, Pol., dated the 16th January 1915, forwarding a Bill to amend the Mysore Code of Criminal Procedure, 1904 (II of 1904).

2. In reply, I am to say that the Governor General in Council has been pleased to accord his consent to the Bill, on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty of 1913.

I have the honour to be,

Sir,

Your most obedient servant,

P B Warburton

First Assistant Resident.

G.R.S. 28]

2811

Legis File No. 25-13
Serial No. 6

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE
SECRETARIAT.
( )

READ

Date of issue 24/4/1915

Signed by Mr C. R. Aswath Rao

On the 19th day of April 1915. to be published in the Mysore Gazette for general information.

B. O.

2/4/15
Hon'ble Secy.

To The Compiler Mysore Gazette for publication in Pt III of the Gazette and for supplying 200 spare copies in English & 100 in Kannada to this office and 100 in English & 50 in Kannada to the Curator, Govt Central Book Depot. Proofs should be sent for approval before publication.

REGULATION IV OF 1915.

A Regulation to amend the Code of Criminal Procedure, 1904.

(*Received the assent of His Highness the Maharaja on the 19th day of April 1915.*)

Whereas it is expedient to amend the Criminal Procedure Code, 1904; His Highness the Maharaja is pleased to enact as follows:—

Amendment of clause (*i*) of sub-section (1) of Section 260.

In clause (*i*) of sub-section (1) of Section 260 of the Regulation, the figures "453, 454" shall be inserted after the figure "451."

M. VISVESVARAYA,
Dewan.